WYC:lmp P0243 11/28/05 PATENT

## REMARKS

After entry of the foregoing amendment, claims 1-2, 4-6, 8 and 11-14 and 20-24 are pending in the application.

The indication of allowable subject matter in various claims is noted with appreciation.

Applicants have canceled certain claims, without prejudice their right to pursue claims of commensurate scope in one or more other applications. (Gesture-related claims, akin to canceled claims 15-19, have already been filed in application 11/132,031.)

Applicants respectfully traverse the rejection of claim 8 over Williams (5,899,700) in view of Rifkin (6,065,969). Even if the art teaches the claim limitations for which they are cited, applicants submit that an artisan would not have sought to combine them in the asserted manner, absent impermissible hindsight. The stated goal offered in the Action as a motivating rationale, namely "to provide a virtually endless amusing activity for fashion and entertainment," is met by Rifkin alone.

Likewise, the rejections of claims 11-14 over Wellner (5,640,193) / LaTour (5,888,070) / Linebarger (6,068,485) are similarly traversed. Even if the art teaches the cited claim limitations, the Action has fallen short in identifying why an artisan would have sought to modify and combine the references in the cited manner. Applicants submit that the stated reason ("to enhance a child's interest in reading") draws on hindsight, rather than a suggestion in the art, and does not suggest the hybridization of three references in the manners proposed.

New claim 23 is modeled after allowed claim 20, but refers to machine-readable information (rather than a digital watermark), and omits the "generating audible sounds" limitation. New claim 24 further defines the method of claim 23. Support for such claims is found, e.g., at page 4, lines 1-6, of the specification.

In view of the foregoing amendments and remarks, applicants solicit a notice of allowance of the pending claims.

Date: November 28, 2005

**Customer Number 23735** 

Phone: 503-469-4800 FAX 503-469-4777

Respectfully submitted,

DIGIMARG CORPORATION

**PATENT** 

William Y. Conwell Registration No. 31,943